

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

Thomas E. Underwood, individually and  
on behalf of all others similarly situated,

Plaintiff,

v.

Case No. 2:13-cv-14464  
Hon. Laurie J. Michelson

Carpenters Pension Trust Fund - Detroit  
and Vicinity Pension Plan ("Plan") and  
Trustees of the Plan,

Defendants.

**CLASS ACTION**

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**MOTION TO ENLARGE THE PAGE LIMIT RESPECTING THE BRIEF  
IN SUPPORT OF RULE 54 MOTION FOR COMMON FUND  
ATTORNEYS' FEES AND RELATED COSTS**

Pursuant to Local Rule 7.1(d)(3), Class Counsel requests that the Court enlarge the page limit respecting the Brief in Support of Rule 54 Motion for Common Fund Attorneys' Fees and Related Costs. The reasons in support of this motion are that (i)

Class Counsels' efforts in this case have produced a common fund that benefits the Class, (ii) under the common fund doctrine (discussed in the brief), Class Counsel are entitled to a portion of this common fund, (iii) given the 14-day time limitation specified under Fed. R. Civ. P. 54(d) and the 3-day extension of time permitted under Fed. R. Civ. P. 6(d), Class Counsel were required to file their motion and brief for common fund fees and related costs no later than October 2, 2014, (iv) case law in this Circuit requires consideration of many different factors in order for the Court to determine a reasonable common fund fee award, (v) Class Counsel were unable to properly address all of these factors within the 25-page limit for briefs specified under Local Rule 7.1, and (vi) the brief in support of common fund fees and related expenses exceeds this page limit by only a few pages and, therefore, granting the requested enlargement should not unduly burden the Court.

Therefore, Class Counsel requests that the Court enlarge the page limit respecting the brief in support of common fund fees and related expenses. A proposed Order has been submitted through the Court's ECF Utilities function, and has been emailed to Defendants' attorney.

On September 25, 2014, the undersigned attorney for the Class contacted Defendants' attorney, Edward Pasternak ("Pasternak"), to inform him that she would be filing the instant motion to enlarge the page limit and to request Defendants'

concurrence in the relief requested. Pasternak responded that Defendants would not concur in the relief requested, but that they likely also would not oppose it.

Respectfully submitted October 2, 2014

/s/ Eva T. Cantarella

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## CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2014, I served on the below counsel for Defendants (i) Motion to Enlarge the Page Limit Respecting the Brief in Support of Rule 54 Motion for Common Fund Attorneys' Fees and Related Expenses, and (ii) this Certificate of Service, via the Court's ECM e-filing system. I also uploaded to the Court a proposed Order via the ECF Utilities function and emailed the proposed Order to the below counsel for Defendants.

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